

THOMAS M. FERLAUTO (SBN 155503)  
LAW OFFICE OF THOMAS M. FERLAUTO, APC  
25201 Paseo de Alicia, Suite 270  
Laguna Hills, California 92653  
Telephone: 949-334-8650  
Fax: 949-334-8691  
Email: TMF@lawofficeTMF.com  
  
Attorney for Plaintiff, JOSHUA ASSIFF

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**JOSHUA ASSIFF,**

**Plaintiff,**

**v.**

**COUNTY OF LOS ANGELES;  
SHERIFF DEPUTY BADGE  
NUMBER 404532;  
And DOES 1 through 10,**

**Defendants.**

**Case No. 2:22-cv-05367 RGK (MAAx)**

**OBJECTIONS TO DEFENDANT'S  
PROPOSED VERDICT FORM**

Action Filed: August 3, 2022  
Pretrial Conference: July 10, 2023  
Trial Date: July 25, 2023

Assigned to: Hon. R. Gary Klausner,  
District Judge, Courtroom 850

Plaintiff, JOSHUA ASSIFF (hereinafter "Plaintiff") hereby respectfully submits the following objections to defendant's proposed verdict form.

**Questions 1-7 and 9:** The burden of proof is adequately explained to the jury in the jury instructions. The burden of proof need not be repeated in each and every question.

1 **Questions 1-3:** These purported threshold questions are unnecessary, confusing,  
2 and not proper statements of the law. The ultimate question are: 1) whether  
3 Defendant arrested Plaintiff without probable cause, and 2) whether Defendant used  
4 excessive force in arresting Plaintiff. According to this verdict form, Defendant  
5 could arrest Plaintiff – even with excessive force – if Plaintiff merely attempted to  
6 deter Defendant from performing his duty. That is not the law. Even if Defendant  
7 had probable cause to arrest Plaintiff, which is the ultimate issue to which these  
8 questions seem to relate, Defendant still may only use reasonable force to effectual  
9 the arrest.

10  
11 **Question 5:** This question is unnecessary and confusing. If Defendant arrested  
12 Plaintiff without probable cause or with excessive force, Defendant violated  
13 Plaintiff's Constitutional rights. A separate question whether this conduct that is by  
14 definition a Constitutional violation is in fact a Constitutional violation is  
15 unnecessary and will only confuse the jury.

16  
17 **Question 7:** This question is unnecessary. The question of Qualified Immunity is  
18 for the Court, not for the jury. This question will just confuse the jury.

19  
20 Plaintiff recommends use of Plaintiff's Proposed Verdict Form

21  
22 DATED: July 23rd, 2023

The Law Office Of Thomas M. Ferlauto, APC

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25 By: \_\_\_\_\_

Thomas M. Ferlauto

26 Attorney For: Plaintiff, JOSHUA ASSIFF  
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